GA No. 472 of 2007

Hon'ble B.C. Kandpal, J.

This leave to appeal has been filed by the appellant/State against the judgment and order dated 20.11.2003 passed by Additional District & Session Judge Ist/F.T.C., Haridwar thereby acquitted the respondents under Sections 147, 148, 323, 149, 325, 506 of I.P.C.

Feeling aggrieved by the aforesaid judgment and order, the appellant/State has preferred this appeal before this Court.

Heard learned A.G.A. for the State, Sri Arvind Vashisth, learned counsel for the respondents on the point of admission and perused the impugned judgment and order.

Having considered the impugned judgment, I am of the view that the judgment of acquittal is based on cogent and valid reasons. The trail court has rightly disbelieved the evidence of witnesses. I do not find that the conclusion drawn by the trial court is either perverse or unreasonable. I do not find any justification to reverse the judgment of acquittal passed by the trial court. The view take by the trial court on the basis of the evidence on record appeared to be justified and I do not think it proper to take a different view from that of trial court on the same set of evidence. The impugned judgment and order does not require any interference. The leave to appeal devoid of any force and is liable to be dismissed.

Accordingly, the leave to appeal is dismissed.

Consequently, the criminal appeal is also dismissed.

(B.C.K., J.)

23.11.2007
ASWAL